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BIG PICTURE LOANS, LLC and
ASCENSION TECHNOLOGIES, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

RICHARD LEE SMITH, JR., individually and
on behalf of persons similarly situated,

Plaintiff,

v.

BIG PICTURE LOANS, LLC,
MATT MARTORELLO,
ASCENSION TECHNOLOGIES, LLC f/k/a
BILLICOSE CAPITAL, LLC,

Defendants.

Case No. 3:18-CV-01651-AC

**DECLARATION OF MICHELLE
HAZEN**

ORAL ARGUMENT REQUESTED

I, Michelle Hazen, affirm that I have personal knowledge of the matters set forth in this Affidavit and if I am called as a witness I will testify competently to these matters based on my personal knowledge:

1. I am a member of the Lac Vieux Desert Band of Lake Superior Chippewa Indians (“LVD”), a federally recognized Indian tribe.

2. I have served on the LVD Tribal Council, the governing body of LVD, from 1994 to 2014 as the Tribal Secretary, and most recently as a Tribal Council member from 2016 to present.

3. LVD is a federally recognized tribe and exercises its sovereignty under a federally approved Constitution.

4. Big Picture Loans, LLC (“Big Picture”) is a limited liability company wholly owned by LVD, organized under LVD law, and operated by LVD under LVD law.

5. Big Picture was created to be an online lending business in order to bring revenue to LVD that would advance the public health, safety, and welfare of LVD and LVD’s members.

6. I have served as a co-manager of Big Picture since August 2014.

7. Since December 2015, I have served as the Chief Executive Officer of Big Picture.

8. Big Picture’s only place of business is on LVD’s Reservation land near Watersmeet, Michigan.

9. Big Picture does not own real property in Oregon, nor does it lease or otherwise occupy any space or have any interest in any real property in Oregon.

10. Big Picture does not have any employees, officers, or directors in any state in Oregon—all its employees, officers, or directors in any state are located on the LVD Reservation.

11. Big Picture's website servers are located on the LVD Reservation and Big Picture's website operates from the Reservation.

12. Big Picture does not maintain any bank accounts at any bank or depository in Oregon. Big Picture is not licensed, organized, or registered to do business in Oregon and does not pay taxes within Oregon.

13. Big Picture does not have an agent for service of process within Oregon and has never consented to jurisdiction in Oregon.

14. Big Picture has never transacted any business affairs within Oregon.

15. Big Picture loan applications are approved by employees located on the LVD Reservation.

16. All Big Picture loans are originated on the LVD Reservation. The last act consummating every loan agreement occurs on LVD's Reservation. Thus, the contracts for all consumers' loans are formed on the LVD Reservation.

17. All of Big Picture's day-to-day activity occurs on the Reservation in Watersmeet, Michigan.

18. All of Big Picture's website data is stored on a server located on the Reservation and physically maintained on the Reservation.

19. Big Picture's principal place of business is on the LVD Reservation in Watersmeet, Michigan.

20. Ascension is a limited liability company wholly owned by LVD, organized under LVD law, and operated under LVD law.

21. Since February 2015, I have served as a co-manager of Ascension Technologies, LLC (“Ascension”).

22. Ascension’s principal place of business is on LVD’s Reservation.

23. Ascension only operates on LVD’s Reservation and at its satellite offices in Puerto Rico, St. Croix, and Atlanta.

24. Ascension does not own property in Oregon, nor does it lease or otherwise occupy any space or have any interest in any property in Oregon.

25. Ascension does not have any employees or officers in Oregon and does not have any employees that enter Oregon.

26. Ascension does not maintain any bank accounts at any bank or depository in Oregon. Ascension is not licensed, organized, or registered to do business in Oregon and does not pay taxes within Oregon.

27. Ascension does not have an agent for service of process within Oregon, and has never consented to jurisdiction in Oregon.

28. All of Ascension’s transactions occur exclusively with Big Picture outside of Oregon.

29. Ascension is not a lender and has never issued any loans to any customers located anywhere.

30. Ascension has never contracted with any loan applicant at any time under any circumstances.

31. Ascension does not offer any services or products that could be used by the general public—it only offers business services to Big Picture.

32. Ascension does not market, solicit, or advertise in Oregon or engage in any business activities in Oregon.

33. None of Ascension's day-to-day activities have ever occurred in Oregon.

34. All online loan applications, including Plaintiffs', began when Plaintiffs acted on Big Picture's website, hosted by a server located on the LVD reservation, and were subsequently approved and finalized by Big Picture on the LVD reservation.

35. Ascension and Big Picture are located outside of Oregon and would have to travel thousands of the mile to adjudicate the claims in Oregon.

36. Ascension is not party to any contracts related to anything alleged.

37. Ascension had no role in originating, finalizing, or collecting on the loans made to consumers anywhere, including Oregon.

38. The contracts giving rise to the loans at issue in the above captioned matter are governed by the laws of the LVD tribe.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Date: 12/1/2018

By: Michelle Hazen
Michelle Hazen

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2018, I served a true and correct copy of the foregoing **DECLARATION OF MICHELLE HAZEN** upon the following counsel via E-mail and the Court's CM/ECF System to the addresses below:

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Dated: December 3, 2018

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